

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-41 (canceled)

Claim 42. (new) An isolated polynucleotide comprising:

- (a) a nucleotide sequence encoding a polypeptide having ornithine acetyltransferase activity, wherein the polypeptide has an amino acid sequence of at least 85% sequence identity, based on the Clustal V method of alignment, when compared to one of SEQ ID NO:2, or
- (b) a full complement of the nucleotide sequence of (a).

Claim 43. (new) The polynucleotide of Claim 42 wherein the amino acid sequence of the polypeptide has at least 90% sequence identity, based on the Clustal V method of alignment, when compared to SEQ ID NO:2.

Claim 44. (new) The polynucleotide of Claim 42 wherein the amino acid sequence of the polypeptide has at least 95% sequence identity, based on the Clustal V method of alignment, when compared to SEQ ID NO:2.

Claim 45. (new) The polynucleotide of Claim 42, wherein the amino acid sequence of the polypeptide comprises SEQ ID NO:2.

Claim 46. (new) The polynucleotide of Claim 42, wherein the nucleotide sequence comprises SEQ ID NO:1.

Claim 47. (new) A recombinant DNA construct comprising the polynucleotide of Claim 42 operably linked to at least one regulatory sequence.

Claim 48. (new) The recombinant DNA construct of Claim 47, wherein the recombinant DNA construct is an expression vector.

Claim 49. (new) A transgenic cell or a virus comprising the recombinant DNA construct of Claim 47.

Claim 50. (new) The transgenic cell of Claim 49, wherein the cell is selected from the group consisting of a yeast cell, a bacterial cell, an insect cell, and a plant cell.

Claim 51. (new) A transgenic plant comprising the polynucleotide of Claim 42.

Claim 52. (new) A method for transforming a cell comprising introducing into a cell the polynucleotide of Claim 42.

Claim 53. (new) A method for producing a transgenic plant comprising (a) transforming a plant cell with the polynucleotide of Claim 42, and (b) regenerating a plant from the transformed plant cell.

Claim 54. (new) A method for positive selection of a transformed cell comprising:
(a) transforming a plant cell with the recombinant DNA construct of Claim 47 or an expression vector of Claim 48; and
(b) growing the transformed plant cell under conditions allowing expression of the polynucleotide in an amount sufficient to complement a histidine biosynthetic auxotroph to provide a positive selection means.

Claim 55. (new) The method of Claim 54, wherein the plant cell is a monocot.

Claim 56. (new) The method of Claim 55, wherein the monocot is corn.